

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gary S. Hahn and David O. Thueson

Application No.: 09/992,491

Filing Date: November 21, 2001

Examiner: Yu, Gina C.

Art Unit: 1617

Confirmation No.: 9928

Title: TOPICAL PRODUCT FORMULATIONS CONTAINING STRONTIUM FOR
REDUCING SKIN IRRITATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

The owner, Sensory Systems, of one-hundred percent interest in the above-captioned patent application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any of U.S. Patent Nos. 5,716,625; 5,804,203; 5,958,436; and 6,139,850 as the term of said prior patents is defined in 35 U.S.C. §§154 and 173, and as the term of said prior patents is presently shortened by any terminal disclaimer(s). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 and 173 of the prior patents, "as the term of said prior patents is presently shortened by any terminal

disclaimer(s)," in the event that any of said prior patents later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent jurisdiction , (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.121, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge the \$65 fee for filing of this terminal disclaimer at the small entity rate as set forth in 37 C.F.R. §1.20(d) to Deposit Account No. 50-2785.

Respectfully Submitted,

Date: 2-28-07

By: Lisa M. Griffith
Attorney of Record:
Lisa M. Griffith, Reg. No. 41,185

The Griffith Law Firm, A P.C.
991C Lomas Santa Fe Drive, Suite 450
Solana Beach, CA 92075-2198
Telephone: 858.756.6935
Facsimile: 858.777.5718
E-mail: lgriffith@griffithpc.com